IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2973 OF 1992.

Sahebrao Dagadu Takalkar
and ors. : Petitioners.

versus

Shankar Nana Takalkar & Anr. : Respondents.

Mr.P.S.Dani for the petitioners.
Mr.A.P.Vanarase, AGP, for Respondent No.2/State.

CORAM : D.G.DESHPANDE, J.

DATED : September 21, 2006.

ORAL ORDER

1. Heard Mr.Dani, the learned advocate appearing for the petitioners. The father of the petitioners was the tenant. He purchased tenanted land under Section 32-G of the Bombay Tenancy and Agricultural Land Act, 1948 and,

thereafter sold the land to some private party. But this tenant himself filed an application for a declaration that the sale deed executed by him in favour of the third party was illegal and void. This is the issue involved in the present petition.

2. Along with the petition, a copy of the order of the Maharashtra Revenue Poona in Revision Application No.MRT/P/I/35/69/(Ten.AP.) Poona is annexed at Exhibit A. In that Revision Application before the MRT Poona one Shri Balhaji Namdeo Takalkar was the applicant and this petitioner Sahebrao, through his father Dagadu Narayan Takalkar - the Non-applicant, was represented. The MRT, Poona in that revision application gave findings in favour of the applicant and allowed that revision application and also ordered that, "The order passed by the two lower courts declaring the sale transactions by the Opponents at Sr.No.1 to 3, [including Dagadu Narayan Takalkar - the father of the present petitioner, as opponent No.2 before the MRT in that order], of their shares in favour of Opponent Nos. 4 to 6 are valid and confirmed and the case is remanded only for the purpose of

levying penalty under the proviso to Sec.84C(2) of the Tenancy Act."

3. It will be clear from the aforesaid order that the sale deed executed by the present petitioner in favour of third party is declared valid not only by the MRT but the two courts below in this matter. Therefore, there is nothing in this petition to call for any interference. It is dismissed. Rule is discharged. Ad-interim order, if any, stands vacated.

[D.G.DESHPANDE, J.]